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Draft report of the International Law Commission on the work of its sixty-seventh session

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Chapter III
Specific issues on which comments would be of particular interest to the Commission

A. Subsequent agreements and subsequent practice in relation to the interpretation of treaties

1. The Commission requests, by 31 January 2016, States and international organizations:

(a) to provide it with any examples of decisions of national courts in which a subsequent agreement or subsequent practice has contributed to the interpretation of a treaty; and

(b) to provide it with any examples where pronouncements or other action by a treaty body consisting of independent experts have been considered as giving rise to subsequent agreements or subsequent practice relevant for the interpretation of a treaty.

B. Protection of the environment in relation to armed conflicts

2. The Commission reiterates its request to States to provide information, by 31 January 2016, on whether, in their practice, international or domestic environmental law has been interpreted as applicable in relation to international or non-international armed conflict. The Commission would particularly appreciate receiving examples of:

(a) treaties, including relevant regional or bilateral treaties;

(b) national legislation relevant to the topic, including legislation implementing regional or bilateral treaties;

(c) case law in which international or domestic environmental law was applied to disputes in relation to armed conflict.

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3. The Commission would also invite information from States as to whether they have any instruments aimed at protecting the environment in relation to armed conflict, for example, national legislation and regulations; military manuals, standard operating procedures, Rules of Engagement or Status of Forces Agreements applicable during international operations; and environmental management policies related to defence-related activities. The Commission would, in particular, be interested in instruments related to preventive and remedial measures.

C. Immunity of State Officials from foreign criminal jurisdiction

4. The Commission requests States to provide information, by 31 January 2016, on their legislation and practice, in particular judicial practice, related to limits and exceptions to the immunity of State officials from foreign criminal jurisdiction.

D. Provisional application of treaties

5. The Commission once again reiterates its request to States to provide information, by 31 January 2016, on their practice concerning the provisional application of treaties, including domestic legislation pertaining thereto, with examples, in particular in relation to:

(a) the decision to provisionally apply a treaty;

(b) the termination of such provisional application; and

(c) the legal effects of provisional application.

E. *Jus cogens*

6. The Commission requests States to provide information, by 31 January 2016, relating to its practice on the nature of *jus cogens*, the criteria for its formation and the consequences flowing therefrom as expressed in:

(a) official statements, including official statement before legislatures, courts and international organizations; and

(b) decisions of national and regional courts and tribunals, including quasi-judicial bodies.